

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 509

Introduced by Assembly Member Anderson

February 24, 2009

An act to amend Section 2800.2 of, and to add Section 2800.25 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 509, as amended, Anderson. Vehicles: fleeing a peace officer.

Existing law makes it a misdemeanor for a person operating a motor vehicle to willfully flee or otherwise attempt to elude a pursuing peace officer's motor vehicle under certain conditions. If the pursued vehicle is driven in a willful or wanton disregard for the safety of persons or property, the offense is punishable as a misdemeanor or a felony.

This bill would revise these provisions of existing law to codify the provision relating to willful or wanton disregard for the safety of persons separately from the provision relating to willful or wanton disregard for the safety of property. The bill would delete the definition of "willful or wanton disregard for the safety of persons."

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2800.2 of the Vehicle Code is amended
- 2 to read:
- 3 2800.2. If a person flees or attempts to elude a pursuing peace
- 4 officer in violation of Section 2800.1 and the pursued vehicle is

1 driven in a willful or wanton disregard for the safety of persons,
2 the person driving the vehicle, upon conviction, shall be punished
3 by imprisonment in the state prison, or by confinement in the
4 county jail for not less than six months nor more than one year.
5 The court may also impose a fine of not less than one thousand
6 dollars (\$1,000) nor more than ten thousand dollars (\$10,000), or
7 may impose both that imprisonment or confinement and fine.

8 SEC. 2. Section 2800.25 is added to the Vehicle Code, to read:

9 2800.25. (a) If a person flees or attempts to elude a pursuing
10 peace officer in violation of Section 2800.1 and the pursued vehicle
11 is driven in a willful or wanton disregard for the safety of property,
12 the person driving the vehicle, upon conviction, shall be punished
13 by imprisonment in the state prison, or by confinement in the
14 county jail for not *less than six months nor* more than one year, or
15 by a fine of not ~~more~~ *less* than one thousand dollars (\$1,000) *nor*
16 *more than ten thousand dollars (\$10,000)*, or by both that
17 imprisonment and fine.

18 (b) For the purposes of this section, a willful or wanton disregard
19 for the safety of property includes, but is not limited to, driving
20 while fleeing or attempting to elude a pursuing peace officer during
21 which time either three or more violations that are assigned a traffic
22 violation point count under Section 12810 occur, or damage to
23 property occurs.